



Nevada State Board of Medical Examiners

*** * * M I N U T E S * * ***

OPEN SESSION BOARD MEETING

Conference Room at the Offices of the
NEVADA STATE BOARD OF MEDICAL EXAMINERS
1105 Terminal Way, Suite 301
Reno, Nevada 89502

FRIDAY, JUNE 30, 2000

MEMBERS PRESENT:

Arne D. Rosencrantz, President
Susan S. Buchwald, M.D., Vice President (arrived at 10:00
am)

Paul A. Stewart, M.D., Secretary-Treasurer
Dipak K. Desai, M.D.
Jaculine C. Jones, Ed.D.
Cheryl A. Hug-English, M.D.
Joel N. Lubritz, M.D. (present telephonically)
Donald H. Baepler, Ph.D., D.Sc.
Robin L. Titus, M.D.

STAFF PRESENT:

Larry D. Lessly, J.D., Executive Director
Maureen E. Lyons, Deputy Executive Director
Richard J. Legarza, J.D., General Counsel
Vicki L. Knopf, Chief Investigator
Rebecca A. Gaul-Richard, Senior License Specialist
Kasey M. Miller, Administrative Assistant to General
Counsel

ALSO PRESENT:

Brian T. Kunzi, J.D., Assistant Chief Deputy Attorney
General
John B. Lanzillotta, P.A.-C, Representative, Physician
Assistant Advisory Committee to the Board
Robert R. Barengo, J.D., Legislative Counsel

AGENDA ITEM 1

Call to Order - Arne D. Rosencrantz, President

The meeting was called to order by Arne D. Rosencrantz,
President, at 1:37 p.m.

Mr. Rosencrantz congratulated Dr. Jones on her recent re-appointment by Governor Guinn to serve a second term as a member of the board.

AGENDA ITEM 2

Consideration of Advanced Practitioners of Nursing's Request for Board's Position on Proposed Legislation to Allow Advanced Practitioners of Nursing to Prescribe Controlled Substances

Dr. Buchwald asked Kathy Apple, Executive Director of the Nevada State Board of Nursing, to speak on this agenda item. Ms. Apple gave a brief legislative history of the prescribing privileges of nurses in Nevada and defined the practice of nursing as set forth in the Nevada Revised Statutes.

Discussion ensued, with Dr. Buchwald expressing her feeling that should advanced practitioners of nursing wish to practice independently, they need to be under the jurisdiction of the board or the joint jurisdiction of the board and the Nevada State Board of Nursing. Dr. Titus expressed her feeling that advanced practitioners of nursing should be allowed controlled substance prescribing privileges, as they are currently able to prescribe other drugs which may have even more harmful effects than controlled substances if prescribed inappropriately. Dr. Lubritz stated his feeling that advanced practitioners of nursing are too loosely "collaborated" with and should be more strictly "supervised" as are physician assistants by their supervising physicians.

Mr. Lessly offered several options for the board to consider in acting on the matter:

- 1) ...take no action until such time that an actual bill draft is presented to the board for consideration;
- 2) ...should the bill pass in the Legislature, work with the Nevada State Board of Nursing to draft regulations addressing the prescribing of controlled substances by advanced practitioners of nursing;
- 3) ...amend the bill draft to include the board, along with the Nevada State Board of Nursing, as an agency with jurisdiction over advanced practitioners of nursing; or
- 4) ...should the bill pass in the Legislature, the board can draft regulations clearly defining the responsibilities of collaborating physicians over the controlled substance prescribing practices of their advanced practitioners of nursing.

Dr. Baepler moved to approve the concept of the request of the advanced practitioners of nursing and that the language of the proposed bill draft is to be reviewed by the board as soon as it is available. Dr. Desai seconded the motion, and it passed unanimously.

AGENDA ITEM 4

Consideration of Proposed New Regulations

- Practice of Integrative and Complementary Medicine
- Licensing of Physician Assistants
- Requirement for Hearing Officer Synopsis

Mr. Legarza reviewed for members the proposed regulations as they appear in the agenda book.

Discussion ensued, with Dr. Buchwald moving to approve the proposed regulations for hearing at public workshops and at the board's August meeting. Dr. Stewart seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 5

Consideration of Proposed Board Bill Request for 2001 Legislative Session

Mr. Lessly stated that Mr. Barengo was present to advise members regarding the proposed amendments to NRS Chapter 630 contained in the proposed bill draft as it appears in the agenda book. Mr. Lessly reviewed each item of the proposed bill draft for members and discussion ensued.

During discussion of the proposed amendment to NRS 630.288, which would add language as follows: 4. Effective July 1, 2003, the board may not grant biennial registration to any physician who has not within the ten (10) years prior to that biennial registration passed the Special Purpose Examination or the examination required by NRS 630.160(2)(c), Dr. Desai stated that he did not believe that the board would have a consensus to approve this proposed amendment for inclusion in the bill draft at this time. He expressed his feeling that post-licensure testing is in the future of all state medical boards, but that he believes the board should be fully comfortable with the actual examinations to be considered. He questioned whether the SPEX is the appropriate examination and whether the board should accept American Board of Medical Specialties Specialty Board re-certification. He added that all the issues surrounding this proposed change need to be examined further. Dr. Desai moved that the President appoint a special study committee of members of the board, to include a public member, to study the matter during the next year. This study would include seeking and evaluating input from the public, the profession, the health care industry, the Federation of State Medical Boards of the United States (which developed and administer the SPEX examination), and other state's medical licensure boards. The committee would report back to the board with a recommendation in one year from now. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 3

Consideration of Request by Joel F. Bower, M.D. for the Creation of a Special Volunteer in Medicine License to Allow Limited Practice by Retired Physicians

Mr. Lessly described the practice parameters that would be allowed for physicians under the proposed Special Volunteer in Medicine license. He explained the licensure requirements for applicants and the time that would be involved for staff to issue this proposed special license. Mr. Barengo advised that an added burden would be placed on the board to validate, on a case-by-case basis, the volunteer organization advocating for the issuance of each proposed special license. Mr. Lessly added that there would be no fees collected for the issuance of the special license.

Discussion ensued, with the consensus of the board being that the Special Volunteer in Medicine license would be of great public service to the citizens of Nevada and good public policy for the board. Mr. Rosencrantz directed staff to obtain a draft of the proposed bill for the board to consider prior to its making a final decision in the matter.

AGENDA ITEM 5 (CONTINUED)

Consideration of Proposed Board Bill Request for 2001 Legislative Session

Mr. Lessly proposed that the board consider another amendment to its statutes, not appearing in the proposed bill in the agenda book, to add language that would require a licensed homeopathic physician in Nevada to also be licensed by either the Nevada State Board of Medical Examiners or the Nevada State Board of Osteopathic Medicine. Mr. Barengo added that the existing language in the licensing statutes of the Nevada State Board of Homeopathic Examiners requires only that the applicant for licensure be licensed somewhere in the world as a medical doctor.

Discussion ensued, with Dr. Baepler moving to direct Mr. Barengo to seek amendment of the bill draft of the Nevada State Board of Homeopathic Examiners at the 2001 Legislative Session to require a licensed homeopathic physician in Nevada to also be licensed by either the Nevada State Board of Medical Examiners or the Nevada State Board of Osteopathic Medicine. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Baepler moved to direct Mr. Barengo to submit the board's proposed bill as amended at today's meeting to the 2001 Legislature for consideration and approval. Dr. Buchwald seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 6
Reports

- Federation of State Medical Boards of the United States, Inc.'s 2000 Annual Meeting - Arne D. Rosencrantz, President and Delegate
- Medical Marijuana Task Force - Joel N. Lubritz, M.D., Board Representative on Task Force
- **Federation of State Medical Boards of the United States, Inc.'s 2000 Annual Meeting - Arne D. Rosencrantz, President and Delegate**

Mr. Rosencrantz reported that the Federation of State Medical Boards of the United States, Inc.'s 2000 Annual Meeting held in Dallas, Texas in April, was very beneficial and pertinent to the issues that the board is currently considering. He recommended to all members that they attend these annual meetings.

- Medical Marijuana Task Force - Joel N. Lubritz, M.D., Board Representative on Task Force

Dr. Lubritz reported that he attended the second meeting of the Medical Marijuana Task Force, but that he missed the first meeting due to a lack of timely notification of the meeting date and time. He advised that at the second meeting, the task force decided to have the University of Nevada School of Medicine conduct a research project on the issue of the true efficacy for cannabinoid drugs. He added that he was provided with a sixteen-page executive summary of marijuana medicine which described the efficacy of marijuana drugs as being moderately well-suited for limited conditions, with the potential therapeutic benefits being modest and more effective medications being available.

AGENDA ITEM 7
Matters for Future Agenda

There was no discussion under this agenda item.

AGENDA ITEM 8
Public Comment

Meg Yuram, P.A.-C, President of the Nevada Academy of Physician Assistants, appeared and requested the board's support of the Academy's proposed bill to be drafted for submission to the 2001 Legislature, sponsored by Assemblyman Joseph E. Dini, Speaker of the Assembly, to add physician assistants to the list in the Nurse Practice Act of those health care practitioners from whom nurses are authorized to take orders.

Mr. Rosencrantz requested that the Nevada Academy of Physician Assistants provide board staff with a copy of the proposed bill once it is drafted.

AGENDA ITEM 7

Matters for Future Agenda (CONTINUED)_

Mr. Rosencrantz directed that the Nevada Academy of Physician Assistants' request for the board's support of the Academy's proposed bill to add physician assistants to the list in the Nurse Practice Act of those health care practitioners from whom nurses are authorized to take orders be placed on the board's August meeting agenda for consideration and action.

ADJOURNMENT

Mr. Rosencrantz adjourned the meeting at 6:00 p.m.